

UNITED STATES BANKRUPTCY COURT  
Eastern District of California  
Honorable René Lastreto  
Hearing Date: Thursday, February 11, 2016  
Place: Department B – Courtroom #13  
Fresno, California

**INSTRUCTIONS FOR PRE-HEARING DISPOSITIONS**

1. The following rulings are tentative. The tentative ruling will not become the final ruling until the matter is called at the scheduled hearing. **Pre-disposed matters will generally be called, and the rulings placed on the record at the end of the calendar.** Any party who desires to be heard with regard to a pre-disposed matter may appear at the hearing. If the party wishes to contest the tentative ruling, he/she shall notify the opposing party/counsel of his/her intention to appear. **If no disposition is set forth below, the hearing will take place as scheduled.**
2. Submission of Orders:  
  
Unless the tentative ruling expressly states that the court will prepare a civil minute order, then the tentative ruling will only appear in the minutes. If any party desires an order, then the appropriate form of order, which conforms to the tentative ruling, must be submitted to the court. When the debtor(s) discharge has been entered, proposed orders for relief from stay must reflect that the motion is denied as to the debtor(s) and granted only as to the trustee. Entry of discharge normally is indicated on the calendar.
3. Matters Resolved Without Opposition:  
  
If the tentative ruling states that no opposition was filed, and the moving party is aware of any reason, such as a settlement, why a response may not have been filed, the moving party must advise Vicky McKinney, the Calendar Clerk, at (559) 499-5825 by 4:00 p.m. the day before the scheduled hearing.
4. Matters Resolved by Stipulation:  
  
If the parties resolve a matter by stipulation after the tentative ruling has been posted, but **before the formal order is entered on the docket**, the **moving party** may appear at the hearing and advise the court of the settlement or withdraw the motion. Alternatively, the parties may submit a stipulation and order to modify the tentative ruling together with the proposed order resolving the matter.
5. Resubmittal of Denied Matters:  
  
If the moving party decides to re-file a matter that is denied without prejudice for any reason set forth below, the moving party must file and serve a new set of pleadings with a new docket control number. It may not simply re-notice the original motion.

**THE COURT ENDEAVORS TO PUBLISH ITS PREDISPOSITIONS AS SOON AS POSSIBLE, HOWEVER CALENDAR PREPARATION IS ONGOING AND THESE PREDISPOSITIONS MAY BE REVISED OR UPDATED AT ANY TIME PRIOR TO 4:00 P.M. THE DAY BEFORE THE SCHEDULED HEARINGS. PLEASE CHECK AT THAT TIME FOR POSSIBLE UPDATES.**

**9:30 A.M.**

1. [15-14017](#)-B-11 CLUB ONE CASINO, INC. CONTINUED STATUS CONFERENCE RE:  
[15-1146](#) COMPLAINT  
KMGI, INC. ET AL V. LONG ET AL 12-1-15 [[1](#)]  
ORI KATZ/Atty. for pl.

**All hearing dates will be vacated subject to being re-noticed upon 15 days written notice. No appearance is necessary.**

2. [15-14017](#)-B-11 CLUB ONE CASINO, INC. CONTINUED MOTION FOR SUMMARY  
[15-1146](#) KHB-1 JUDGMENT  
KMGI, INC. ET AL V. LONG ET AL 12-1-15 [[7](#)]  
DEBRA GRASSGREEN/Atty. for mv.

**All hearing dates will be vacated subject to being re-noticed upon 15 days written notice. No appearance is necessary.**

3. [15-14017](#)-B-11 CLUB ONE CASINO, INC. CONTINUED MOTION TO DISMISS  
[15-1146](#) WW-1 ADVERSARY PROCEEDING/NOTICE OF  
KMGI, INC. ET AL V. LONG ET AL REMOVAL  
12-17-15 [[17](#)]  
HOLLY ESTES/Atty. for mv.

**All hearing dates will be vacated subject to being re-noticed upon 15 days written notice. No appearance is necessary.**

4. [15-14017](#)-B-11 CLUB ONE CASINO, INC. MOTION FOR COMPENSATION OTHER  
KDG-14 PROFESSIONAL(S)  
BILL HUGHES/MV 1-11-16 [[370](#)]  
HAGOP BEDOYAN/Atty. for dbt.

**This matter was fully noticed in compliance with the Local Rules and there is no opposition. Accordingly, the respondent(s) default will be entered and the motion will be granted without oral argument for cause shown. The moving party shall submit a proposed order. No appearance is necessary.**

5. [15-14017](#)-B-11 CLUB ONE CASINO, INC. MOTION FOR COMPENSATION BY THE  
KDG-15 LAW OFFICE OF JOHN K. MALONEY  
FOR JOHN K. MALONEY, SPECIAL  
COUNSEL(S)  
1-14-16 [[396](#)]  
HAGOP BEDOYAN/Atty. for dbt.

**Pursuant to the stipulation of the parties and order of the court this matter will be rescheduled to March 10, 2016, at 9:30 a.m. No appearance is necessary at this hearing.**

6. [15-14017](#)-B-11 CLUB ONE CASINO, INC. MOTION TO EXTEND TIME  
KDG-16 1-26-16 [[449](#)]  
CLUB ONE CASINO, INC./MV  
HAGOP BEDOYAN/Atty. for dbt.
7. [15-13167](#)-B-12 DOUG KOPHAMER FARMS MOTION FOR COMPENSATION FOR  
LKW-10 LEONARD K. WELSH, DEBTORS  
ATTORNEY(S)  
1-12-16 [[175](#)]  
LEONARD WELSH/Atty. for dbt.

**This matter was fully noticed in compliance with the Local Rules and there is no opposition. Accordingly, the respondent(s) default will be entered and the motion will be granted without oral argument for cause shown. The moving party shall submit a proposed order. No appearance is necessary.**

8. [15-14685](#)-B-11 B&L EQUIPMENT RENTALS, MOTION FOR COMPENSATION FOR  
LKW-4 INC. LEONARD K. WELSH, DEBTORS  
ATTORNEY(S)  
1-13-16 [[41](#)]  
LEONARD WELSH/Atty. for dbt.

**This matter was fully noticed in compliance with the Local Rules and there is no opposition. Accordingly, the respondent(s) default will be entered and the motion will be granted without oral argument for cause shown. The moving party shall submit a proposed order. No appearance is necessary.**

9. [15-13167](#)-B-12 DOUG KOPHAMER FARMS MOTION TO SELL  
LKW-11 2-4-16 [[187](#)]  
DOUG KOPHAMER FARMS/MV  
LEONARD WELSH/Atty. for dbt.  
OST 2/5/16

**1:30 P.M.**

1. [15-14705](#)-B-13 MARIA DE LA MORA PLAN  
TIMOTHY SPRINGER/Atty. for dbt. 12-3-15 [[5](#)]
2. [15-14606](#)-B-13 ALEX/PRISCILLA PANG PLAN  
JERRY LOWE/Atty. for dbt. 11-25-15 [[5](#)]
3. [15-11610](#)-B-13 JORGE CANO AND LORENA MOTION FOR COMPENSATION FOR  
JES-1 CHAVEZ JAMES E. SALVEN, CHAPTER 7  
JAMES SALVEN/MV TRUSTEE(S)  
THOMAS GILLIS/Atty. for dbt. 11-24-15 [[72](#)]
4. [14-13013](#)-B-13 ARMANDO/MARCELA MAGALLON CONTINUED MOTION TO DISMISS  
MHM-2 CASE  
MICHAEL MEYER/MV 11-13-15 [[50](#)]  
CHRISTOPHER FISHER/Atty. for dbt.  
RESPONSIVE PLEADING
5. [15-13626](#)-B-13 BRUCE/CORINNA COOKE ORDER TO SHOW CAUSE - FAILURE  
TO PAY FEES  
MARK ZIMMERMAN/Atty. for dbt. 1-19-16 [[46](#)]
6. [15-10631](#)-B-13 MANSOUR/PHEBE TOPALIAN MOTION TO MODIFY PLAN  
BDB-3 12-22-15 [[63](#)]  
MANSOUR TOPALIAN/MV  
BENNY BARCO/Atty. for dbt.  
RESPONSIVE PLEADING
7. [10-63233](#)-B-13 ANTONIO PATINO MOTION TO DETERMINE FINAL CURE  
MHM-2 AND MORTGAGE PAYMENT RULE  
MICHAEL MEYER/MV 3002.1  
SCOTT LYONS/Atty. for dbt. 1-12-16 [[52](#)]

**This matter was fully noticed in compliance with the Local Rules and there is no opposition. Accordingly, the respondents' default will be entered and the motion will be granted without oral argument for cause shown. The moving party shall submit a proposed order. No appearance is necessary.**

8. [15-14733](#)-B-13 JAVIER VELIZ  
PBB-1  
JAVIER VELIZ/MV  
PETER BUNTING/Atty. for dbt.

MOTION TO VALUE COLLATERAL OF  
INTERNAL REVENUE SERVICE  
1-8-16 [[12](#)]

This motion to value collateral will be denied as moot. There is no case or controversy. The creditor has filed a proof of secured claim, which values its collateral in the same amount as stated in the motion. In the Eastern District of California, the amount and classification of a claim is determined by the proof of claim and applicable non-bankruptcy law. No further relief is required unless the granting of a motion will affect the treatment of the claim. No appearance is necessary.

9. [15-14733](#)-B-13 JAVIER VELIZ  
PBB-2  
JAVIER VELIZ/MV  
  
PETER BUNTING/Atty. for dbt.

MOTION TO VALUE COLLATERAL OF  
EMPLOYMENT DEVELOPMENT  
DEPARTMENT  
1-8-16 [[18](#)]

This motion to value respondent's collateral was fully noticed in compliance with the Local Rules and there was no opposition. The default of responding parties is hereby entered. The motion will be granted for cause shown without oral argument. Based on the evidence presented, the respondent's secured claim will be fixed at \$ 0. The moving party shall submit a proposed order consistent with this ruling. The proposed order shall specifically identify the collateral, and if applicable, the proof of claim to which it relates. The order will be effective upon confirmation of the chapter 13 plan. No appearance is necessary.

10. [15-14733](#)-B-13 JAVIER VELIZ  
PBB-3  
JAVIER VELIZ/MV  
PETER BUNTING/Atty. for dbt.

MOTION TO VALUE COLLATERAL OF  
NELLIE O. WADE  
1-8-16 [[24](#)]

The motion to value the collateral of respondent pursuant to § 506 will be continued to March 10, 2016, at 1:30 p.m., for further briefing and the submission of additional information and evidence including a copy of the abstract of support judgment. Further brief(s) and evidence from debtor is to be served and filed by February 25, 2016. The reply, if any, is due March 3, 2016.

It appears from the record and from the moving papers that this motion was filed for the purpose of valuing the collateral, consisting of all of the debtor's personal property, purported to secure an abstract of support judgment in favor of Nellie O. Wade c/o Fresno County Department of Child Support Services. A motion under § 506 bifurcates secured claims into secured and unsecured portions according to the property's value and the amount of senior liens. The plan must pay the claimant the value of their secured claim based on that valuation, which in this case is \$0.

The court has not found either a prohibition or authorization of the use of § 506 to bifurcate a claim based on an abstract of judgement securing a domestic support order. In any case, it is unclear to the court what purpose such a bifurcation would serve. Regardless of the bifurcation of the secured claim represented by an abstract of judgment, the court notes that Fresno County Department of Child Support Services has filed an unsecured priority claim, as the creditor's attorney or agent, in the amount of \$83,453.41. The debtor lists this claim as a priority claim in class 5 of the plan.

The debtor brought this motion under § 506 and not under § 522(f), which is the statute usually employed to avoid liens represented by an abstract of judgment where such lien impairs an exemption to which the debtor would have been entitled if the lien is, *inter alia*, a judicial lien. Section 522(f), however, cannot be used to avoid judicial liens that secure a domestic support obligation under §523(a)(5), which is the case here. No appearance is necessary.

11. [15-14735](#)-B-13 JAYCE/LISA LEWIS  
  
JERRY LOWE/Atty. for dbt.  
\$80.00 FILING FEE PAID  
1/15/16

ORDER TO SHOW CAUSE - FAILURE  
TO PAY FEES  
1-13-16 [[15](#)]

The record shows that the required fee has been paid in full. The OSC will be dropped from calendar. No appearance is necessary.

12. [15-14038](#)-B-13 MARGARITA HERNANDEZ CONTINUED MOTION TO DISMISS  
MHM-1 CASE  
MICHAEL MEYER/MV 12-29-15 [[21](#)]  
TIMOTHY SPRINGER/Atty. for dbt.

**This hearing was continued to allow the debtor to appear at her continued \$341 meeting of creditors. The record shows that the debtor appeared at the continued meeting. Accordingly, this matter will be dropped from calendar without disposition. Debtor's counsel shall inform his client that no appearance is necessary at this hearing.**

13. [15-13742](#)-B-13 ANTONIO/MARIA NAVARRO MOTION TO CONFIRM PLAN  
SLS-6 12-21-15 [[57](#)]  
ANTONIO NAVARRO/MV  
BARBARA SMART/Atty. for dbt.  
RESPONSIVE PLEADING

14. [10-61052](#)-B-13 JULIO/VIOLA INGUANZO MOTION TO DETERMINE FINAL CURE  
MHM-3 AND MORTGAGE PAYMENT RULE  
MICHAEL MEYER/MV 3002.1  
1-4-16 [[76](#)]  
THOMAS GILLIS/Atty. for dbt.  
ORDER TO CONTINUE TO 3/24/16  
AT 1:30 PM

**By stipulation of the parties and order of the court this matter has been rescheduled to March 24, 2016, at 1:30 p.m. No appearance is necessary at this hearing.**

15. [15-14662](#)-B-13 JUAN ALVARADO AND DORIS PLAN  
CARRILLO-CENTENO 11-30-15 [[5](#)]  
TIMOTHY SPRINGER/Atty. for dbt.

16. [15-14662](#)-B-13 JUAN ALVARADO AND DORIS MOTION TO DISMISS CASE  
MHM-1 CARRILLO-CENTENO 1-14-16 [[17](#)]  
MICHAEL MEYER/MV  
TIMOTHY SPRINGER/Atty. for dbt.

17. [16-10062](#)-B-13 JAMES YANG ORDER TO SHOW CAUSE - FAILURE  
TO PAY FEES  
1-25-16 [[10](#)]  
SCOTT SAGARIA/Atty. for dbt.

18. [15-14363](#)-B-13 STEVEN/MARGARITA STROUD ORDER TO SHOW CAUSE - FAILURE  
TO PAY FEES  
1-13-16 [[24](#)]  
  
MARK ZIMMERMAN/Atty. for dbt.  
FINAL INSTALLMENT OF \$150  
PAID 1/27/16

**The record shows that the required fee has been paid in full. The OSC will be dropped from calendar. No appearance is necessary.**

19. [16-10169](#)-B-13 FRANK/MARY ANNE DORES MOTION FOR CONTEMPT  
FW-1 1-28-16 [[7](#)]  
FRANK DORES/MV  
PETER FEAR/Atty. for dbt.

20. [15-14576](#)-B-13 JOSHUA/IRENE COSTNER PLAN  
11-24-15 [[7](#)]  
  
MARK ZIMMERMAN/Atty. for dbt.

21. [16-10080](#)-B-13 MARY MIGLIORE MOTION TO EXTEND AUTOMATIC STAY  
GEG-1 1-21-16 [[12](#)]  
MARY MIGLIORE/MV  
GLEN GATES/Atty. for dbt.

22. [12-16981](#)-B-13 ROSS/LYNDY RICE MOTION TO MODIFY PLAN  
PBB-5 12-31-15 [[81](#)]  
ROSS RICE/MV  
PETER BUNTING/Atty. for dbt.

**The motion to confirm or modify a chapter 13 plan was fully noticed in compliance with the Local Rules and there is no opposition. The motion will be granted without oral argument for cause shown. The debtors shall submit a proposed confirmation order for approval to the chapter 13 trustee. The confirmation order shall include the docket control number of the motion and it shall reference the plan by the date it was filed. No appearance is necessary.**

23. [12-14382](#)-B-13 MARY GOULART MOTION TO DETERMINE FINAL CURE  
MHM-2 AND MORTGAGE PAYMENT RULE  
MICHAEL MEYER/MV 3002.1  
1-12-16 [[138](#)]  
  
JOSEPH ARNOLD/Atty. for dbt.

**This matter was fully noticed in compliance with the Local Rules and there is no opposition. Accordingly, the respondent(s) default will be entered and the motion will be granted without oral argument for cause shown. The moving party shall submit a proposed order. No appearance is necessary.**



24. [15-14586](#)-B-13 ARNULFO GUZMAN PLAN  
11-25-15 [[5](#)]  
GEOFFREY ADALIAN/Atty. for dbt.
25. [10-13792](#)-B-13 CARLOS GARCIA AND SANDRA MOTION FOR ENTRY OF DISCHARGE  
DEB-444 MOLINERO 12-16-15 [[114](#)]  
CARLOS GARCIA/MV  
DONALD BLOOM/Atty. for dbt.

**The debtors' motion for entry of a chapter 13 discharge upon conclusion of the case was fully noticed in compliance with the Local Rules and there was no opposition. The motion shall be granted without oral argument. Based on the evidence presented, the court finds that the debtors are eligible for a chapter 13 discharge pursuant to 11 U.S.C. §1328(a). Once the chapter 13 trustee's final report has been approved, the case manager may enter the debtors' discharge pursuant to General Order 13-04(5). The court will prepare and enter a civil minute order. No appearance is necessary.**

26. [15-12993](#)-B-13 ROBERT/KARLA RODRIGUEZ MOTION FOR COMPENSATION FOR  
JES-1 JAMES E. SALVEN, CHAPTER 7  
JAMES SALVEN/MV TRUSTEE(S)  
11-24-15 [[48](#)]  
GLEN GATES/Atty. for dbt.  
JAMES SALVEN/Atty. for mv.
27. [15-14793](#)-B-13 OCTAVIO SANCHEZ ORDER TO SHOW CAUSE - FAILURE  
TO PAY FEES  
1-19-16 [[19](#)]  
SCOTT LYONS/Atty. for dbt.
28. [15-14195](#)-B-13 SERGIO MEDINA MOTION TO CONFIRM PLAN  
TOG-2 12-29-15 [[16](#)]  
SERGIO MEDINA/MV  
THOMAS GILLIS/Atty. for dbt.  
WITHDRAWN

**The motion has been withdrawn. No appearance is necessary.**

29. [15-14695](#)-B-13 MARCEL/STACY CORTEZ PLAN  
12-14-15 [[13](#)]  
PETER BUNTING/Atty. for dbt.
30. [15-14699](#)-B-13 DAMON/REGINA GUNDERMAN PLAN  
12-12-15 [[12](#)]  
DAVID JENKINS/Atty. for dbt.